

IC 3-7-45

Chapter 45. Removal From Registration Records Due to Death

IC 3-7-45-1

Removal of name

Sec. 1. The name of a voter who dies shall be removed from the registration records as provided in this chapter.

As added by P.L.12-1995, SEC.55.

IC 3-7-45-2

Health officials to report deceased persons; expiration of section

Sec. 2. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year the state department of health shall submit a report to the election division electronically in a format prescribed by the commission.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside of the county during the preceding three (3) months; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
 - (2) for whom burial permits have been issued by the officer;
- during the previous three (3) months. The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana during the preceding three (3) months;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose name was supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) This section expires January 1, 2006.

As added by P.L.12-1995, SEC.55. Amended by P.L.4-1996, SEC.22; P.L.199-2001, SEC.12; P.L.209-2003, SEC.76.

IC 3-7-45-2.1

Application of section; coordination of statewide voter registration list with state department of health to remove names of deceased voters

Sec. 2.1. (a) This section applies after December 31, 2005.

(b) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

(c) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside the county of residence; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(d) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(e) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

As added by P.L.209-2003, SEC.77.

IC 3-7-45-3

Cancellation of registration

Sec. 3. (a) This subsection applies before January 1, 2006. Not later than thirty (30) days after receipt of the reports required by section 2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

(b) This subsection applies after December 31, 2005. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.

As added by P.L.12-1995, SEC.55. Amended by P.L.209-2003, SEC.78.

IC 3-7-45-4

Cancellation after receipt of death certificate

Sec. 4. (a) This subsection applies before January 1, 2006. Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person not later than thirty (30) days after receiving a copy of the deceased person's death certificate.

(b) This subsection applies after December 31, 2005. Except as provided in subsection (c), a county voter registration office shall

cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(c) A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration under subsection (a).

As added by P.L.4-1996, SEC.23. Amended by P.L.209-2003, SEC.79.

IC 3-7-45-5

Acquiring information from other states

Sec. 5. (a) The state department of health shall negotiate with appropriate agencies in each state other than Indiana to acquire information regarding the deaths of Indiana residents occurring in each of the other states. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) If an agreement is made with the agency of another state under this section, the agreement must provide for acquisition of information about the deaths of Indiana residents in the other state so that the state department of health can forward that information as provided in section 2 or 2.1 of this chapter.

As added by P.L.4-1996, SEC.24. Amended by P.L.209-2003, SEC.80.

IC 3-7-45-6

List of deceased individuals; expiration of section

Sec. 6. (a) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 may obtain a list of Indiana residents identified as deceased by the federal Social Security Administration.

(b) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county according to the statewide voter file prepared under IC 3-7-38.1.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) This section expires January 1, 2006.

As added by P.L.38-1999, SEC.19. Amended by P.L.209-2003, SEC.81.

IC 3-7-45-6.1

Application of section; information regarding deceased voters; cancellation of registrations

Sec. 6.1. (a) This section applies after December 31, 2005.

(b) The election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.

(c) The election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(d) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (c).

As added by P.L.209-2003, SEC.82.

IC 3-7-45-7

Voter erroneously identified as deceased

Sec. 7. (a) If a county voter registration office determines that:

- (1) a voter has been identified as deceased in a list or report described by this chapter; and
- (2) the identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

- (1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or
- (2) issuing a certificate of error under IC 3-7-48.

As added by P.L.38-1999, SEC.20.

IC 3-7-45-8

Notice of names of deceased voters

Sec. 8. The NVRA official shall notify each county voter registration office of the names of deceased persons obtained under this chapter.

As added by P.L.199-2001, SEC.13. Amended by P.L.209-2003, SEC.83.